

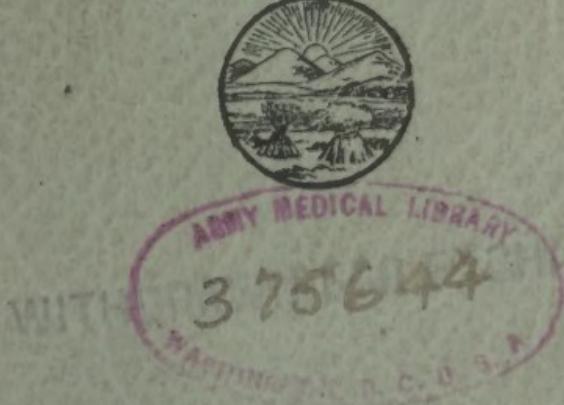
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DRUG LAWS

of

OHIO

1942



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State Board of Pharmacy

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Ohio, Laws, Statutes, etc.

# Drug Laws of Ohio

Pharmacy Law,  
Poison Law and  
Narcotic Law

Enforced by  
The State Board of Pharmacy

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Drug Adulteration and  
Misbranding Laws

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Enforced by  
The Department of Agriculture

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Fraudulent Advertising  
Caustic and Corrosive Acid Law

Enforced by  
Police Regulation

1942

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**OHIO BOARD OF PHARMACY**

*1942*

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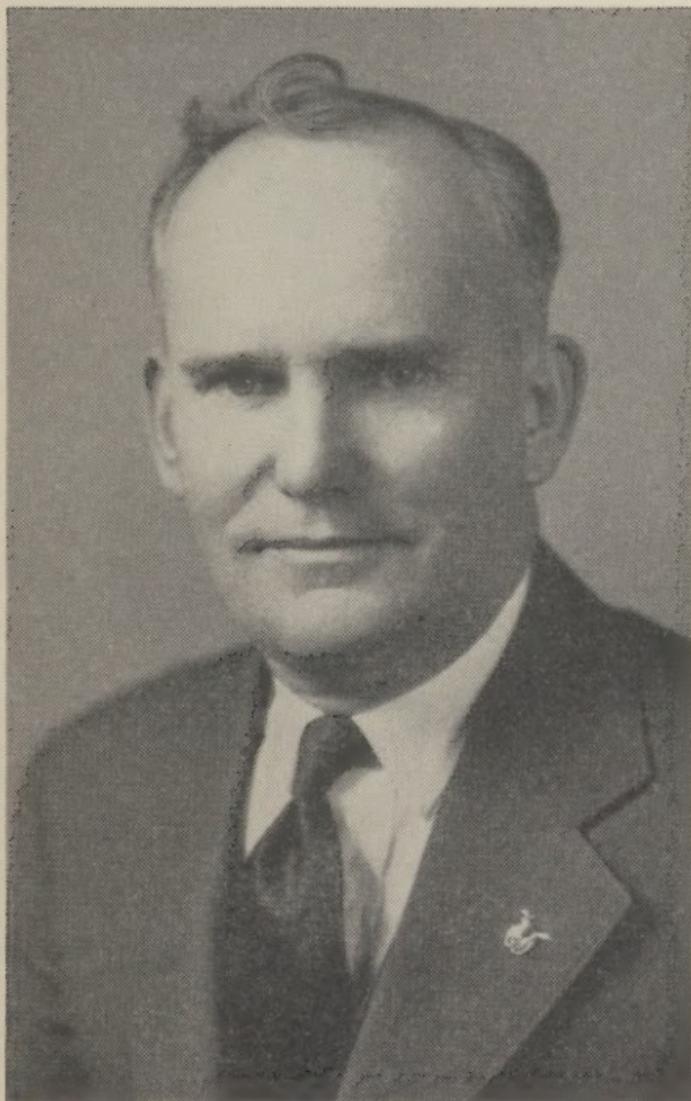
COLUMBUS

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M. N. FORD, Secretary

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M. N. FORD, Secretary



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## LAWS

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**SECTION 1296.** There shall be a state board of pharmacy, consisting of five members, who shall be appointed by the governor with the advice and consent of the senate. The Ohio state pharmaceutical association may annually submit to the governor the names of five registered pharmacists, and from the names so submitted or from others, at his discretion, the governor each year shall appoint one member of the board for a term of five years and until his successor is appointed and qualified. (99 v. 503 § 6o.)

**SECTION 1297.** The state board of pharmacy shall organize by electing a president

and a vice president who shall be members of the board, and a secretary who shall be a registered pharmacist in good standing in his profession. Each of the officers so elected shall serve for a term of one year. The secretary shall receive a salary to be fixed by the board, and his necessary expenses incurred in the performance of his official duties. The members of the board shall receive the sum of ten dollars for each day employed in the discharge of their official duties and their necessary expenses while engaged therein. (110 v. 378.)

SECTION 1298. The secretary of the state board of pharmacy shall give a bond to the state in the sum of one thousand dollars, with two or more sureties approved by the board, conditioned for the faithful discharge of the duties of his office. Such bond with the approval of the board endorsed thereon, shall be deposited with the secretary of state and kept in his office. (110 v. 379.)

SECTION 1299. The state board of pharmacy shall meet in Columbus on the second Monday of January, the third Monday of

June, and the second Monday of October in each year and at such other times and places as the board may direct. The board shall have a seal and prescribe such rules for its own government as it deems proper. (102 v. 116.)

SECTION 1300. The state board of pharmacy shall keep a record of its proceedings and a register of all persons to whom certificates have been granted as pharmacists or assistant pharmacists, together with each renewal or revocation of a certificate. The books and registers of the board shall be *prima facie* evidence of the matters therein recorded. The president and secretary of the board may administer oaths. (99 v. 504 § 64.)

SECTION 1301. A person desiring to be registered as a pharmacist shall file with the secretary of the state board of pharmacy a verified application giving his date and place of birth, place or places at which he studied or practiced pharmacy and the time spent in such study or practice, and such other information as the board may require.

and appear before the board and take an examination in the following subjects: chemistry, botany, *materia medica*, toxicology, posology, pharmaceutical arithmetic and the theory and practice of pharmacy. Examinations of those applying for registration as pharmacists shall be held at such times, during each year, and at such places as the board may determine. (113 v. 644.)

SECTION 1302. Every applicant for examination and registration as a pharmacist shall be a citizen of the United States, or shall have made application therefor, shall be not less than twenty-one years of age, shall be of good moral character and habits, shall be a graduate from a school or college of pharmacy or a department of pharmacy of a university recognized and approved by the state board of pharmacy, and shall file proof satisfactory to the board, substantiated by proper affidavits, of a minimum one year of experience in a retail drug store, under the personal supervision of a registered pharmacist; the experience required shall be predominately related to the selling of drugs and medical supplies, compounding pre-

scriptions, preparing pharmaceutical preparations, and keeping records and making reports required under the state and federal statutes; provided, however, credit for the experience required may be granted only if obtained when the apprentice is not enrolled and in attendance in a school or college of pharmacy or department of pharmacy of a university, summer vacation periods excepted, and if obtained subsequent to apprenticeship registration and the age of sixteen years; provided, further, the applicant shall have completed at least the four year course in pharmacy as outlined by the American council on pharmaceutical education, inc., unless he was duly matriculated in a recognized school or college of pharmacy or department of pharmacy of a university prior to October 1, 1941; the board may accept for admission to the examination as a part of the required course of study, subjects completed in an institution other than a school or college of pharmacy or department of pharmacy of a university, provided they are subjects included in the course of study in the recognized school or college of pharmacy or department of phar-

macy of a university or their equivalent and have been credited by the recognized school or college of pharmacy or department of pharmacy of a university toward the completion of its course of study, and, further, that such subjects or their equivalent cover not more than the equivalent of one year of the required four year course of study.

This act shall not apply to applicants on or before July 1, 1945 and shall not affect those who have qualified under the present requirements and have failed to register as a pharmacist. (119 v. 134.)

SECTION 1303-1. The state board of pharmacy shall appoint an entrance examiner who shall not be directly or indirectly connected with a school, or college of pharmacy or department of pharmacy of a university, who shall determine the sufficiency of the preliminary education of the applicants for admission to a school, or college of pharmacy or a department of pharmacy of a university in this state that is recognized and approved by the state board of pharmacy and to whom all applicants shall submit credentials. Application of those so ap-

plying shall be made upon blanks furnished by the state board of pharmacy and accompanied with the fee as required under section 1311.

Graduation from a legally constituted first grade high school, or its equivalent, shall be sufficient preliminary education credentials. If the entrance examiner finds that the preliminary education of the applicant is sufficient, he shall issue to the applicant a preliminary education certificate therefor which shall be attested by the secretary of the state board of pharmacy. The compensation of the entrance examiner shall be fixed by the state board of pharmacy. (119 v. 134:)

SECTION 1303-2. The state board of pharmacy shall consider a school or college of pharmacy or a department of pharmacy of a university for recognition and approval which requires the following: (1) All students wishing to enter a school or college of pharmacy or a department of pharmacy of a university within the state, must present a preliminary education certificate issued by the entrance examiner and attested by the secretary of the state board of pharmacy.

(2) A four year course in pharmacy covering at least the course in pharmacy as outlined by the American council on pharmaceutical education, inc. A school or college of pharmacy or a department of pharmacy of a university without the state that seeks recognition and approval of the board shall require all applicants to be a graduate from a legally constituted first grade high school or its equivalent and shall meet all requirements demanded from schools and colleges of pharmacy or departments of pharmacy of a university within this state. (119 v. 135.)

SECTION 1303-3. It shall be the duty of registered pharmacists, or other employers, who take into their employ an apprentice for the purpose of his becoming a pharmacist, to register said apprentice within ninety days thereafter, with the state board of pharmacy. The date of experience required of applicant for registered pharmacist shall be computed from the date of entering said apprenticeship; and if he or she fails to register, then he or she shall receive no credit for experience in a retail drug store when he or she makes application for examination. The

said state board of pharmacy shall furnish proper blanks for this purpose and issue a certificate of registration as a registered apprentice upon payment of the fee as required in section 1311 of the General Code. An apprentice having served part or all of his time in a retail drug store without the state shall be given credit for the same when affidavit of his said employment is made by his employer showing the exact time served, and when same is attested by the secretary of the state board of pharmacy of that state. (119 v. 135.)

SECTION 1303-4. Nothing in this act or any existing law shall prevent any person who is a citizen of the United States from taking the state board of pharmacy examination for registration as a pharmacist, if such person was at least twenty-one years of age on July 1st, nineteen hundred and seventeen, and had had at least four years' practical drug store experience prior to such date. Provided also, that any legally registered assistant pharmacist now registered in the state, may have the privilege of taking the examination for registration as a registered pharmacist. (119 v. 308.)

SECTION 1304. If the state board of pharmacy is satisfied that the applicant for examination is a citizen of the United States, is of the required age, is of good moral character, possessed of the practical experience and educational qualifications required, and passes a satisfactory examination, it shall issue him a certificate authorizing him to practice the profession of a pharmacist.  
(113 v. 644.)

SECTION 1305. The state board of pharmacy may register a person as a pharmacist without examination and issue him a certificate of such registration if he is legally registered as a pharmacist and holds a certificate of such registration under the laws of another state, upon the following conditions: Each applicant for such registration must have been registered by examination and at the time of examination in the state in which he is registered must have filed with the board at least the credentials that were then required by this board for admission to the examination for a pharmacist certificate.  
(110 v. 380.)

SECTION 1306. The standard of qualification and requirement as to competency in another state shall at least be as thorough as that established by the board of pharmacy of this state, provided however, that in case the qualifications established by any state are not as thorough as those established by the board of pharmacy of this state, such fact shall not prevent reciprocal registration to those applicants who at the time of examination and registration in another state had the requirements as demanded by the board of pharmacy of this state. The board shall not recognize certificates of registration granted by another state unless recognition is given to residents of this state holding certificates from its board of pharmacy. (107 v. 541.)

SECTION 1306-1. That every person registered as a pharmacist or as an assistant pharmacist or under a corresponding title in any other state or territory of the United States of America, or in the District of Columbia, who has served in the army or navy of the United States while at war with Austria-Hungary and Germany, and who has been honorably discharged from the service of the

United States army or navy be permitted within six months after such honorable discharge, upon proof thereof, and upon proof of such registration above mentioned, to the satisfaction of the state board of pharmacy, to practice the profession as a pharmacist or assistant pharmacist, as the case may be, within the state for a period not to exceed six months. The state board of pharmacy shall issue a permit to that effect to all persons applying therefor and complying with the requirements of this section. (108 v. 14.)

SECTION 1306-2. Any person who under the provision of section 1306-1, has received such permission for the period of six months to practice the profession as a pharmacist or assistant pharmacist, after having resided within this state for not less than three months, who upon oath declares an intention to permanently reside therein, may apply to the state board of pharmacy for registration as a pharmacist or assistant pharmacist, as the case may be, under the laws of this state, upon payment of the fees provided for in section 1311 of the General Code for issuing a certificate to a pharmacist or assistant

pharmacist and proof of good character and reputation, subject to the rules and regulations for that purpose prescribed by the state board of pharmacy, and said board upon such application, satisfactory proof and payment of fees, shall issue a certificate of registration as pharmacist or assistant pharmacist as the case may be, to such a person without requiring him to meet other provisions of law which may otherwise prevail for reciprocal registration within this state, subject, however, after registration, to all the other provisions of law which govern those who are registered within the state as pharmacist or assistant pharmacist. (108 v. 14.)

SECTION 1307. Each certificate and each renewal certificate issued by the state board of pharmacy shall entitle the person to whom it is granted to practice the profession of pharmacist or assistant pharmacist for three years. The board may refuse to grant a certificate to a person guilty of felony or gross immorality, or addicted to the liquor or drug habit to such a degree as to render him unfit to practice pharmacy, and, after

notice and hearing, may suspend or revoke a certificate for like cause or for fraud in procuring it. Within thirty days an appeal may be taken from the action of the state board of pharmacy refusing to grant or suspending or revoking a certificate to the common pleas court of Franklin county or to the common pleas court of the county in which the person who has been refused a certificate or whose certificate has been suspended or revoked resides. The judgment of the common pleas court may be reviewed upon proceedings in error in the court of appeals. No certificate shall be suspended for a longer period than two years. If during such suspension the existing certificate shall have expired, the board may, at the end of such suspension, renew such certificate upon payment to the state board of pharmacy the fee prescribed in Section 1311 of the General Code for renewal of a certificate. (107 v. 541.)

SECTION 1307-1. The state board of pharmacy or the accused shall have the power to require the attendance of such witnesses and the production of such books, records and

papers as either may desire at any hearing of any matter of which the board has authority to investigate, and for that purpose either may require the secretary of the board to issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of the county where such witness resides or is found, which shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the sheriff and witnesses shall be the same as that allowed in the common pleas court in criminal cases. Fees and mileage shall be paid from the fund in the state treasury for the use of the board in the same manner as other expenses of the said board are paid. Depositions of witnesses residing within or without the state may be taken by the board or the accused in the same manner prescribed by law for like depositions in civil action in the common pleas court. In any case of disobedience thereto or neglect of any subpoena served on any person or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it

shall be the duty of the common pleas court of any county where such disobedience, neglect or refusal occurs, or any judge thereof, on application by the secretary of the state board of pharmacy to compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. (107 v. 542.)

SECTION 1307-2. Any investigation, inquiry or hearing, which the state board of pharmacy is empowered by law to hold or undertake may be held or undertaken by or before any member or members of the state board of pharmacy and the finding or order of such member or members of said board shall be deemed to be the order of said board when approved and confirmed by it. (107 v. 542.)

SECTION 1308. Each person registered as a pharmacist or assistant pharmacist as provided herein, shall be entitled to practice his profession until the expiration of his certificate of registration. If a registered pharmacist or assistant pharmacist desires to con-

tinue the practice of his profession he shall file with the state board of pharmacy an application for a renewal of his certificate within thirty days next preceding its expiration; and if the board finds that the applicant has been duly registered in this state and is entitled thereto, it shall issue him a renewal certificate signed by its president and secretary. The right to obtain such a certificate shall not be denied a person within three years after the expiration of his certificate of registration. If a registered person fails to make application for such renewal within sixty days after the expiration of his certificate, he shall pay the secretary of the state board of pharmacy the fee as provided for in section 1311. (110 v. 380.)

SECTION 1309. If a registered pharmacist or assistant pharmacist fails to make application to the board for a renewal certificate within a period of three years from the expiration of his certificate, he must pass an examination for registration; except that a person, who has been registered under the laws of this state and after the expiration of his registration, has continually practiced

pharmacy in another state under a certificate issued by its authority, may obtain a renewal certificate upon payment to the secretary of the state board of pharmacy the fee as provided for in section 1311. (110 v. 380.)

SECTION 1309-1. A duplicate certificate may be issued to persons registered as a pharmacist or assistant pharmacist whose certificate has been lost or destroyed, upon the following condition: The applicant must declare by affidavit that he actually resides within the state and in the affidavit set forth the facts concerning the loss or destruction of his certificate. A temporary certificate or letter of certification may be issued by the secretary of the state board of pharmacy for a period of not more than one year, pending the determination of the validity of the application for a duplicate certificate. (110 v. 380.)

SECTION 1309-2. A duplicate certificate for other than pharmacist or assistant pharmacist may be issued to persons whose certificate has been lost or destroyed, provided,

however, the applicant file an application under oath, setting forth the facts concerning his or her registration and how the certificate came to be lost or destroyed. (110 v. 381.)

SECTION 1310. Each certificate of registration shall be conspicuously exposed in the pharmacy or drug store of which the pharmacist or assistant pharmacist to whom it is issued is the owner or manager, or in charge of or in which he is employed. (99 v. 506 § 74.)

SECTION 1311. The state board of pharmacy shall charge and collect the following fees:

For the examination of an applicant for a certificate as pharmacist, twenty-five dollars;

For issuing a renewal certificate to a pharmacist, five dollars;

For issuing a renewal certificate to an assistant pharmacist, five dollars;

For issuing a certificate to a pharmacist on presentation of a certificate granted by another state, fifty dollars;

For issuing a renewal certificate for one that has lapsed for more than sixty days, fifteen dollars;

For issuing a renewal certificate for one that has lapsed for more than three years, thirty dollars;

For the examination or issuance of a preliminary education certificate, three dollars;

For a certificate of apprenticeship registration, one dollar;

For issuing a duplicate certificate to a pharmacist or assistant pharmacist, five dollars;

For issuing other duplicate certificates, one dollar;

For certifying examination grades, twenty-five cents;

For certifying registration and grades for reciprocal registration, one dollar;

The fee paid by the applicant shall not be returned to him if he fails to pass an examination. (113 v. 644.)

SECTION 1312. All fees required by the previous section shall be paid in advance to

the secretary of the state board of pharmacy, and by him paid into the state treasury. (110 v. 381.)

SECTION 1313. The state board of pharmacy shall enforce, or cause to be enforced, the laws relating to the practice of pharmacy. If it has information that any provision of the law has been violated, it shall investigate the matter, and upon probable cause appearing, file a complaint and prosecute the offender. Fines assessed and collected under prosecutions commenced or caused to be commenced by the state board of pharmacy shall be paid into the state treasury to the credit of the general revenue fund. It is the intention herein that the state board of pharmacy shall enforce or cause to be enforced the provisions of Sections 12705, 12706, 12707, 12708, 12709 and 12710 of the General Code. (107 v. 148.)

SECTION 12663. Whoever leaves or deposits poison or a substance containing poison in a common, street, alley, lane or thoroughfare, or a yard or enclosure occupied by another, shall be fined not less than

five dollars nor more than fifty dollars or imprisoned not less than five days nor more than thirty days, or both, and be liable to the person injured for all damages sustained thereby. (74 v. 13.)

SECTION 12664. Whoever leaves, throws or deposits upon the doorstep or premises owned or occupied by another or hands, gives or delivers or causes the same to be done to any person, except in a place where it is kept for sale, a patent or proprietary medicine, preparation, pill, tablet, powder, cosmetic, disinfectant or antiseptic, or a drug or medicine that contains poison or any ingredient that is deleterious to health, as a sample, or for the purpose of advertising, shall be fined not less than twenty-five dollars nor more than one hundred dollars or imprisoned not less than thirty days nor more than one hundred days, or both. (102 v. 87.)

SECTION 12665. The terms drug, medicine, patent or proprietary medicine, pill, tablet, powder, cosmetic, disinfectant or antiseptic, as used in the next preceding section,

shall include all remedies for internal or external use. (95 v. 146 § 2.)

SECTION 12606. Whoever, knowingly sells or delivers to any person otherwise than in the manner prescribed by law, or sells or delivers in the manner prescribed by law but without the written order of an adult, to a minor under sixteen years of age, any of the following described substances or any poisonous compounds, combinations or preparations thereof, to-wit: the compounds and salts of antimony, arsenic, chromium, copper, lead, mercury, zinc, the concentrated mineral acids, oxalic and hydrocyanic acids and their salts, yellow phosphorus, carbolic acid, the essential oils of almonds, pennyroyal, tansy and savin, croton oil, creosote, chloroform, chloral hydrate, cantharides, aconite, belladonna, bitter almonds, colchicum, cotton root, coccus indicus, conium, cannabis indica, digitalis, hyoscyamus, ignatia, lobelia, nux vomica, opium, physostigma, phytolacca, strophantus, stramonium, veratum viride, or any of the poisonous alkaloids or alkaloidal salts or other poisonous principles derived from the foregoing, or other

poisonous alkaloids or their salts or other virulent poison, shall be fined not less than ten dollars nor more than fifty dollars for each offense. (95 v. 280, 282 §§ 1, 4.)

SECTION 12667. Whoever sells or delivers to any person a substance named in the next preceding section without having first learned by due inquiry that such person is aware of the poisonous character thereof and that it is desired for a lawful purpose or without plainly labeling the word "poison," and the names of two or more antidotes therefor, upon the box, bottle or package containing it or delivers such substance without recording in a book kept for the purpose, the name thereof, the quantity delivered, the purpose for which it is alleged to be used, the date of its delivery, and the name and address of the purchaser and the name of the dispenser or fails to preserve said book for five years and submit it at all times for inspection to proper officers of the law, shall be fined not less than ten dollars nor more than fifty dollars. (95 v. 280, 282 §§ 1, 4.)

SECTION 12668. The provisions of the

next two preceding sections shall not apply to substances dispensed to or upon the order or prescription of persons believed by the dispenser to be lawfully authorized practitioners of medicine or dentistry, and the record of sale and delivery therein mentioned shall not be required of manufacturers and wholesalers selling any of such substances at wholesale, if the box, bottle or package containing such substance when sold at wholesale, is labeled with the name of the substance, the word "Poison," and the name and address of the manufacturer or wholesaler. (95 v. 281, § 2.)

SECTION 12669. It shall not be necessary to place a poison label upon, nor record the delivery of preparations containing substances named in section twelve thousand six hundred and sixty-six, when a single box, bottle or other package of the bulk of one-half fluid ounce or the weight of one-half avoirdupois ounce does not contain more than an adult medicinal dose of such poisonous substance. (95 v. 281, § 2.)

SECTION 12670. It shall not be necessary

to place a poison label upon, nor record the delivery of, the sulphide of antimony, the oxide of carbonate of zinc, or colors ground in oil and intended for use as paints, nor of calomel, paregoric or other preparations of opium containing less than two grains of opium to the fluid ounce. (95 v. 281, § 2.)

SECTION 12671. It shall not be necessary to place a poison label upon, nor record the delivery of preparations recommended in good faith for diarrhoea or cholera, when each bottle or package is accompanied by specific directions for use and a caution against the habitual use thereof, nor of liniments or ointments when plainly labeled "for external use only," nor preparations put up and sold in the form of pills, tablets or lozenges and intended for internal use, when the dose recommended does not contain more than one fourth of an adult medicinal dose of such poisonous substance. (95 v. 281, § 2.)

SECTION 12671-1. The state board of pharmacy or anyone acting in its behalf shall enforce, or cause to be enforced, the laws relating to the labeling, recording, sale or de-

livery of poisons as provided in sections 12663, 12664, 12665, 12666, 12667, 12668, 12669, 12670 and 12671 of the General Code. If it has information that any provision of the law has been violated, it shall investigate the same, and upon probable cause appearing, shall file a complaint and prosecute the offender. Fines assessed and collected under prosecutions commended or caused to be commenced by the state board of pharmacy shall be paid into the state treasury to the credit of the general revenue fund. (109 v. 100.)

SECTION 12705. Whoever, not being a legally registered pharmacist, manages or conducts a retail drug store unless he has in his employ in full and actual charge of the pharmaceutical department of such store, a pharmacist legally registered under the laws of this state, and, whoever being a legally registered pharmacist shall manage or conduct a retail drug store without being personally in full and actual charge of such store, or unless he has in his employ in full and actual charge of the pharmaceutical department of such store a pharmacist legally

registered under the laws of this state, shall be fined not less than fifty dollars nor more than two hundred dollars. Each day's violation of this section shall constitute a separate offense. A retail drug store, within the meaning of this section, shall be any room, rooms or place of business wherein drugs, poisons, chemicals or pharmaceutical preparations shall be offered or displayed for sale at retail, or upon which as a sign the words "pharmacy," "drugs," "drug store," "pharmacist," "pharmaceutical chemist," "apothecary" or any of these words, or their equivalent in any language, are or is displayed. (108 v. 1233.)

SECTION 12706. Whoever, not being a legally registered pharmacist, or a legally registered assistant pharmacist employed in a pharmacy or drug store under the management or control of a legally registered pharmacist, compounds, dispenses or sells a drug, chemical, poison or pharmaceutical preparation, shall be fined not less than fifty dollars nor more than two hundred dollars. Each day's violation of this section shall constitute a separate offense. (108 v. 1233.)

SECTION 12707. The next two preceding sections shall not apply to a physician or prevent him from supplying his patients with such medicines as to him seems proper, the making or vending of patent or proprietary medicines by a retail dealer, the selling of copperas, borax, blue vitriol, saltpeter, sulphur, brimstone, licorice, sage, juniper berries, senna leaves, castor oil, sweet oil, spirits of turpentine, glycerine, glauber's salt, cream of tartar, bicarbonate of sodium, quinine, rochelle salts, epsom salts, alum, camphor gum, oil of cinnamon, oil of lemon, essence of peppermint, essence of cinnamon, essence of ginger, hive syrup, syrup of ipecac, tincture of arnica, syrup of tolu, syrup of squills, spirits of camphor, number six, sweet spirits of nitre, compound cathartic pills, and quinine pills, and other similar preparations when compounded by a legally registered pharmacist and put up in bottles or boxes bearing the label of such pharmacist or a wholesale druggist, with the name of the article and directions for its use on each bottle or box.

The next two preceding sections shall not apply to, interfere with or prevent the sale

of red squill or any preparation thereof to be used for the extermination of rats or mice by any person, firm or corporation when properly labeled with directions for its use on each package. (118 v. 682.)

SECTION 12708. Sections twelve thousand seven hundred and five and twelve thousand seven hundred and six shall not prohibit a person from selling Paris green and other materials or compounds used exclusively for spraying and disinfecting when put up in bottles or boxes, bearing the name of a legally registered pharmacist or wholesale dealer, and labeled as required by law, or apply to or interfere with the exclusively wholesale business of a dealer. (108 v. 427.)

SECTION 12708-1. Sections 12705 and 12706 of the General Code shall not apply to, interfere with or prohibit any person, firm or corporation from selling completely denatured alcohol or wood alcohol. (110 v. 294.)

SECTION 12708-2. Whoever shall have in his possession, or dispenses or sells packages

or containers of completely denatured alcohol or wood alcohol containing five wine gallons or more without having marked or stenciled thereon the name and address of the seller, the degree of proof of such alcohol, the formula number, and, in letters of not less than one inch in height, the words, "Completely Denatured Alcohol" or "Wood Alcohol," as the case may be, and the names of two or more antidotes for the same, shall be fined not less than ten dollars nor more than fifty dollars. The provisions of this section, the next succeeding section and section 12667 of the General Code shall not interfere with the transfer of such alcohol from storage tanks to other packages or containers, nor require the placing of such mark or stencil upon transportation tanks, nor the registration or placing of mark or stencil upon fuel tanks, automobile radiators or similar containers for the final use or consumption of such alcohol and from which no further distribution thereof is made. (110 v. 295.)

SECTION 12708-3. Whoever dispenses or sells completely denatured alcohol or wood

alcohol in packages containing less than five wine gallons without having affixed thereto a label on which is printed or stenciled in plain, legible, red letters of equal prominence on a white background the words, "Completely Denatured Alcohol" or "Wood Alcohol," as the case may be, and in addition on the same label in red ink, under the skull and crossbones symbol, the word "POISON" together with the following statement: "Completely denatured alcohol, or wood alcohol is a violent poison. It cannot be applied externally to human or animal tissue without serious injurious results. It cannot be taken internally without inducing blindness and general physical decay ultimately resulting in death," and without having stamped, stenciled or printed upon such label the name and address of the seller, the degree of proof, and the formula number thereof, shall be fined not less than ten dollars nor more than fifty dollars. Neither the word "pure" nor the single word "alcohol" alone shall appear on any label of completely denatured alcohol or wood alcohol.

(110 v. 295.)

SECTION 12708-4. Whoever, dispensing, selling or offering for sale completely denatured alcohol or wood alcohol, displays a sign or uses a label or advertises such alcohol having the word "pure" or the single word "alcohol" alone thereon, or fails to state the degree of proof of such alcohol, or fails to have the letters displaying or advertising "Completely Denatured Alcohol" or "Wood Alcohol" plain, legible and of equal prominence, shall be fined not less than ten dollars nor more than fifty dollars. (110 v. 295.)

SECTION 12708-5. All provisions of sections 12708-2, 12708-3 and 12708-4 shall be enforced as provided for in section 1313 of the General Code. (110 v. 296.)

SECTION 12709. Whoever files with the state board of pharmacy a false or forged affidavit, or makes a false statement under oath, with intent to secure for himself or another a certificate of registration, or a renewal thereof, shall be imprisoned in the penitentiary not less than one year nor more than three years. (99 v. 507 § 80.)

SECTION 12710. Whoever, being a registered pharmacist or assistant pharmacist, fails to display in a conspicuous place his certificate of registration as required by law, shall be fined not less than five dollars nor more than twenty dollars. Each day's violation of this section shall constitute a separate offense. (99 v. 508 § 81.)

## NARCOTIC LAWS

### Sec. 12672-1.

The following words and phrases, as used in this act, shall have the following meanings, unless the context otherwise requires:

(1) "Person" includes any corporation, association, copartnership of one or more individuals.

(2) "Physician" means a person authorized by law to practice medicine in this state and any other person authorized by law to treat sick and injured human beings in this state and to use narcotic drugs in connection with such treatment.

(3) "Dentist" means a person authorized by law to practice dentistry in this state.

(4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this state.

(5) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

(6) "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced nor prepared, on official written orders, but not on prescriptions.

(7) "Apothecary" means a licensed pharmacist as defined by the laws of this state and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this act shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right, or privileges, that is not granted to him by the pharmacy laws of this state.

(8) "Hospital" means an institution for

the care and treatment of the sick and injured, certified by the state department of health and approved by the state board of pharmacy as proper to be entrusted with the custody of narcotic drugs and professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

(9) "Laboratory" means a laboratory approved by the state board of pharmacy as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and clinical purposes and for purposes of instruction.

(10) "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal proprietor, agent, servant, or employee.

(11) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivative of coca leaves, which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

(12) "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture, or preparation of opium.

(12a) "Cannabis" includes the following substances under whatever names they may be designated:

(1) The dried flowering or fruiting tops of the pistillate plant cannabis sativa L, from which the resin has not been extracted;

(2) The resin extracted from such tops; and

(3) Every compound, manufacture, salt, derivative, mixture or preparation of such resin or of such tops from which the resin has not been extracted.

(13) "Narcotic drugs" means coca leaves, opium, cannabis and every substance not chemically distinguishable from them.

(14) "Federal narcotic laws" means the laws of the United States relating to opium, coca leaves and other narcotic drugs.

(15) "Official written order" means an order written on a form provided for that

purpose by the United States commissioner of narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law.

(16) "Dispense" includes distribute, leave with, give away, dispose of, or deliver.

(17) "Registry number" means the number assigned to each person registered under the federal narcotic laws. (116 v. 491.)

Sec. 12672-2. It shall be unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, or compound any narcotic drug, except as authorized in this act.

No person shall cultivate, grow or by other processes produce opium, coca leaves, cannabis, or other narcotic drugs without first having obtained a license so to do from the state board of pharmacy.

A fee of five (\$5.00) dollars shall be charged for any license so issued. The state board of pharmacy is authorized to

make rules and regulations governing the issue of any such license, provided, however, that this section shall not apply to apothecaries, physicians, dentists and veterinarians in the regular course of their legitimate profession activities. (116 v. 493.)

### Sec. 12672-3.

No license shall be issued under the foregoing section unless and until the applicant therefor has furnished proof satisfactory to the state board of pharmacy:

(a) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character.

(b) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application; and that his trade connections are such that there is a reasonable probability that he will apply all narcotic drugs grown or cultivated by him to scientific, experimental, medicinal or for purposes of instruction. That the applicant is

in sufficiently good financial condition to carry out his obligation, and that it is satisfactorily shown that the granting of such license is in the public interest.

No license shall be granted to any person who has within five years been convicted of a willful violation of any law of the United States, or of any state, relating to opium, coca leaves, or any other narcotic drug, or to any person who is a narcotic drug addict.

The state board of pharmacy may suspend or revoke for cause, any license issued under this act. All licenses shall be issued for a period of one year from the first day of July and renewals may be granted for a like period upon payment of a renewal fee of five (\$5.00) dollars. (116 v. 493.)

Sec. 12672-4.

(1) A duly licensed manufacturer or wholesaler may sell and dispense narcotic drugs to any of the following persons, but only on official written orders:

(a) To a manufacturer, wholesaler, or apothecary.

(b) To a physician, dentist or veterinarian.

(c) To a person in charge of a hospital, but only for use by or in that hospital; provided, the official written order is signed by a physician, dentist, veterinarian or apothecary connected with such hospital.

(d) To a person in charge of a laboratory, but only for use in that laboratory for scientific and clinical purposes.

(2) A duly licensed manufacturer or wholesaler may sell narcotic drugs to any of the following persons:

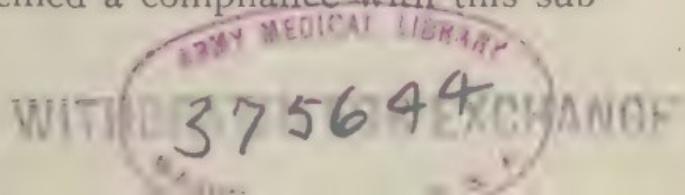
(a) On a special written order accompanied by a certificate of exemption, as required by the federal narcotic laws, to a person in the employ of the United States government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing narcotic drugs by reason of his official duties.

(b) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, for the ac-

tual medical needs of persons on board such ship or aircraft, when not in port. Provided, such narcotic drugs shall be sold to the master of such ship or person in charge of such aircraft only in pursuance of a special order form approved by a commissioned medical officer or acting assistant surgeon of the United States public health service.

(c) To a person in a foreign country if the provisions of the federal narcotic laws are complied with.

(3) An official written order for any narcotic drug shall be signed in duplicate by the person giving said order or by his duly authorized agent. The original shall be presented to the person who sells or dispenses the narcotic drug or drugs named therein. In the event of the acceptance of such order by said person, each party to the transaction shall preserve his copy of such order for a period of two years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this act. It shall be deemed a compliance with this sub-



section if the parties to the transaction have complied with the federal narcotic laws, respecting the requirements governing the use of order forms.

(4) Possession of or control of narcotic drugs contained as authorized by this section shall be lawful if in the regular course of business, occupation, profession, employment, or duty of the possessor.

(5) A person in charge of a hospital or of a laboratory, or in the employ of this state or of any other state, or of any political subdivision thereof, and a master or other proper officer of a ship or aircraft, who obtains narcotic drugs under the provisions of this section or otherwise, shall not administer, nor dispense, nor otherwise use such drugs, within this state, except within the scope of his employment or official duty, and then only for scientific or medicinal purposes and subject to the provisions of this act. (116 v. 494.)

Sec. 12672-5.

(1) An apothecary, in good faith, may sell and dispense narcotic drugs to any per-

son upon a written prescription of a physician, dentist, or veterinarian, provided it is properly executed, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name, address, and registry number under the federal narcotic laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this act. The prescription shall not be refilled.

(2) The legal owner of any stock of narcotic drugs in a pharmacy, upon discontinuance of dealing in said drugs, may

sell said stock to a manufacturer, wholesaler, or apothecary, but only on an official written order.

(3) An apothecary, only upon an official written order, may sell to a physician, dentist, or veterinarian, in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions of which the content of narcotic drugs does not exceed a proportion greater than twenty per cent of the complete solution, to be used for medicinal purposes. (116 v. 495.)

Sec. 12672-6.

(1) A physician or a dentist, in good faith and in the course of his professional practice only, may prescribe, on a written prescription, administer, or dispense narcotic drugs, or he may cause the same to be administered by a nurse or interne under his direction and supervision. Such a prescription shall be dated and signed by the person prescribing on the day when issued and shall bear the full name and address of the patient for whom the narcotic drug is prescribed and the full name, address and registry number under the federal narcotic

laws of the person prescribing, providing he is required by those laws to be so registered.

(2) A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, on a written prescription, administer, and dispense narcotic drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision. Such a prescription shall be dated and signed by the person prescribing on the day when issued and shall bear the full name and address of the owner of the animal, the species of the animal for which the narcotic drug is prescribed and the full name, address and registry number under the federal narcotic laws of the person prescribing, provided he is required by those laws to be so registered.

(3) Any person who has obtained from a physician, dentist, or veterinarian any narcotic drug for administration to a patient during the absence of such physician, dentist, or veterinarian, shall return to such physician, dentist, or veterinarian any un-

used portion of such drug, when it is no longer required by the patient. (116 v. 495.)

Sec. 12672-7.

Except as otherwise in this act specifically provided, this act shall not apply to the following cases:

(1) Where a physician, dentist or veterinarian administers or dispenses; or where an apothecary sells at retail of any medicinal preparation that contains in one fluid ounce, or if a solid or semi-solid preparation, in one avoirdupois ounce, (a) not more than two grains of opium, (b) not more than one-quarter of a grain of morphine or of any of its salts, (c) not more than one grain of codeine or of any of its salts, (d) not more than one-eighth of a grain of heroin or any of its salts, (e) not more than one-half of a grain of extract of cannabis nor more than one-half of a grain of any more potent derivative or preparation of cannabis.

(2) Where a physician, dentist or veterinarian administers or dispenses; or where

an apothecary sells at retail of liniments, ointments, and other preparations, that are susceptible of external use only and that contain narcotic drugs in such combination as prevent their being readily extracted from such liniments, ointments, or preparations, except that this act shall apply to all liniments, ointments, and other preparations, that contain coca leaves in any quantity or combination.

The exemptions authorized by this section shall be subject to the following conditions:

(a) No person shall prescribe, administer, dispense or sell under the exemptions of this section, to any one person, or for the use of any one person or animal, any preparation or preparations included within this section, when he knows, or can by reasonable diligence ascertain, that such prescribing, administering, dispensing or selling will provide the person to whom or for whose use, or the owner of the animal for the use of which, such preparation is prescribed, administered, dispensed, or sold, within any forty-eight consecutive hours, with more than four grains of opium, or

more than one-half grain of morphine or of any of its salts, or more than two grains of codeine or of any of its salts, or more than one-quarter of a grain of heroin or of any of its salts, or will provide such person or the owner of such animal, within forty-eight consecutive hours, with more than one preparation exempted by this section from the operation of this act.

(b) The medicinal preparation, or the liniment, ointment, or other preparation susceptible of external use only, prescribed, administered, dispensed or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone. Such preparation shall be prescribed, administered, compounded, dispensed and sold in good faith as a medicine, and not for the purpose of evading the provisions of this act.

Nothing in this section shall be construed to limit the kind and quantity of any narcotic drug that may be prescribed, administered, dispensed or sold, to any person

or for the use of any person or animal, when it is prescribed, administered, compounded, dispensed or sold, in compliance with the general provisions of this act. (116 v. 496.)

Sec. 12672-8.

(1) Every physician, dentist, veterinarian or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this sub-section if any such person using small quantities of solutions or other preparations of such drugs for local application, shall keep a record of the quantity, character and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients.

Provided, that no record need be kept of

narcotic drugs administered, dispensed, or professionally used in the treatment of any one patient, when the amount administered, dispensed or professionally used for that purpose does not exceed in any forty-eight consecutive hours, (a) four grains of opium, or (b) one-half of a grain of morphine or of any of its salts, or (c) two grains of codeine or of any of its salts, or (d) one-fourth of a grain of heroin or of any of its salts, or (e) a quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated.

(2) Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown or by any other process produced or prepared, and of all narcotic drugs received and disposed of by them, in accordance with the provisions of sub-section 5 of this section.

(3) Apothecaries shall keep records of all narcotic drugs received and disposed of by them, in accordance with the provisions of sub-section 5 of this section.

(4) Every person who purchases for resale, or who sells narcotic drug preparations exempted by section 7 of this act, shall keep a record showing the quantities and kinds thereof received and sold, or disposed of otherwise, in accordance with the provisions of sub-section 5 of this section.

(5) The keeping of a record required by or under the federal narcotic law, shall constitute the only record required to be kept by every person who purchases for resale or who sells narcotic drug preparations exempted. Written orders shall not be required for the sale of cannabis indica or cannabis sativa, and the provisions of the sub-title in respect to written orders and records shall not apply to cannabis indica and cannabis sativa, but manufacturers and wholesalers of cannabis indica and cannabis sativa shall be required to render, with every sale of cannabis indica and cannabis sativa, an invoice whether such sale be for cash or on credit; and such invoice shall contain the date of such sale, the name and address of the purchaser, and the amount of cannabis indica or cannabis sativa so sold.

Every purchaser of cannabis indica or cannabis sativa from a wholesaler or manufacturer shall be required to keep the invoice rendered with such purchase for a period of two years. The form of records shall be prescribed by the state board of pharmacy. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion of morphine, cocaine or ecgonine contained in or producible from crude opium or coca leaves received or produced. The record of all narcotic drugs sold, administered, dispensed or otherwise disposed of, shall show the date of selling, administering or dispensing, the name and address of the person to whom, or for whose use, or the owner and species of animal for which the drugs were sold, administered or dispensed, and the kind and quantity of drugs. Every such

record shall be kept for a period of two years from the date of the transaction recorded. The keeping of a record required by or under the federal narcotic laws, containing substantially the same information as is specified above, shall constitute compliance with this section, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction or theft. (116 v. 497.)

Sec. 12672-9.

(1) Whenever a manufacturer sells or dispenses a narcotic drug, and whenever a wholesaler sells or dispenses a narcotic drug in a package prepared by him, he shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the quantity, kind, and form of narcotic drug contained therein. No person, except an apothecary for the purpose of filling a prescription under this act, shall alter, deface, or remove any label so affixed.

(2) Whenever an apothecary sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, or veterinarian, he shall affix to the container in which such drug is sold or dispensed, a label showing his own name, address and registry number, or the name, address, and registry number of the apothecary for whom he is lawfully acting; the name and address of the patient or, if the patient is an animal, the name and address of the owner of the animal and the species of the animal; the name, address, and registry number of the physician, dentist, or veterinarian, by whom the prescription was written; and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed as long as any of the original contents remain. (116 v. 499.)

### Sec. 12672-10.

A person to whom or for whose use any narcotic drug has been prescribed, sold, or dispensed, by a physician, dentist, apothecary, or other person authorized under the provisions of section 4 of this act, and the owner of any animal for which any such

drug has been prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same. (116 v. 499.)

#### Sec. 12672-11.

The provisions of this act restricting the possession and having control of narcotic drugs shall not apply to common carriers or to warehousemen, while engaged in lawfully transporting or storing such drugs, or to any employee of the same acting within the scope of his employment; or to public officers or their employees in the performance of their official duties requiring possession or control of narcotic drugs; or to temporary incidental possession by employees or agents of persons lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties. (116 v. 499.)

#### Sec. 12672-12.

Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by

narcotic drug addicts for the purpose of using narcotic drugs or which is used for the illegal keeping or selling of the same, shall be deemed a common nuisance. No person shall keep or maintain such a common nuisance. (116 v. 499.)

### Sec. 12672-13.

All narcotic drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer, shall be forfeited, and disposed of as follows:

(a) Except as in this section otherwise provided, the court or magistrate having jurisdiction shall order such narcotic drugs forfeited and destroyed. A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place, and manner of destruction, shall be kept, and a return under oath, reporting said destruction, shall be made to the court or magistrate and to the United States Commissioner of narcotics, by the officer who destroys them.

(b) Upon written application by the state department of health, the court or magistrate by whom the forfeiture of narcotic drugs has been decreed may order the delivery of any of them, except heroin and its salts and derivations, to said state department of health, for distribution or destruction, as hereinafter provided.

(c) Upon application by any hospital within this state, not operated for private gain, the state department of health may in its discretion deliver any narcotic drugs that have come into its custody by authority of this section to the applicant for medicinal use. The state department of health may from time to time deliver excess stocks of such narcotic drugs to the United States commissioner of narcotics or may destroy the same.

(d) The state department of health shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds, quantities, and forms of such drugs; the persons from whom received and to whom delivered; by whose authority received, delivered, and destroyed;

and the dates of the receipt, disposal, or destruction, which record shall be open to inspection by all federal or state officers charged with the enforcement of federal and state narcotic laws. (116 v. 500.)

#### Sec. 12672-14.

On the conviction of any person of the violation of any provision of this act, a copy of the judgment and sentence and of the opinion of the court or magistrate, if any opinion be filed, shall be sent by the clerk of the court, or by the magistrate, to the board or officer, if any, by whom the convicted defendant has been licensed or registered to practice his profession or to carry on his business. And such board or officer shall have the power to revoke such license or registration.

Any physician, dentist, apothecary or veterinarian, who is or shall become addicted to the drug habit, shall have his license or registration suspended by the board under which he has been licensed or registered until such time as such physician, dentist, apothecary or veterinarian shall offer satisfactory proof to his respective board of hav-

ing become cured of such habit. Upon any relapse from any such cure the license or registration of such physician, dentist, pharmacist or veterinarian, shall become permanently revoked by the board under which he has been licensed or registered. (116 v. 500.)

Sec. 12672-15.

Prescriptions, orders, and records, required by this act, and stocks of narcotic drugs, shall be open for inspection only to federal, state, county and municipal officers, whose duty it is to enforce the laws of this state or of the United States relating to narcotic drugs. No officer having knowledge by virtue of his office of any such prescription, order, or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders, or records relate is a party. (116 v. 501.)

Sec. 12672-16.

(1) No person shall obtain or attempt to obtain a narcotic drug, or procure or at-

tempt to procure the administration of a narcotic drug, (a) by fraud, deceit, misrepresentation or subterfuge; or (b) by the forgery or alteration of a prescription or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false name or the giving of a false address.

(2) Information communicated to a physician or dentist in an effort unlawfully to procure a narcotic drug or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(3) No person shall wilfully make a false statement in any prescription, order, report, or record, required by this act.

(4) No person shall, for the purpose of obtaining a narcotic drug falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

(5) No person shall make or utter any false or forged prescription or written order.

(6) No person shall affix any false or forged label to a package or receptacle containing narcotic drugs.

(7) The provisions of this section shall apply to all transactions relating to narcotic drugs under the provisions of section 7 of this act, in the same way as they apply to transactions under all other sections no person except a manufacturer or wholesaler or a retail dealer in surgical instruments, apothecary, physician, dentist, veterinarian, nurse or interne, shall at any time have or possess a hypodermic syringe or needle or any instrument or implement adapted for the use of habit forming drugs by subcutaneous injections and which is possessed for the purpose of administering habit forming drugs, unless such possession be authorized by the certificate of a physician issued within the period of one year prior hereto. (116 v. 501.)

#### Sec. 12672-17.

In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this act, it shall not be necessary to

negative any exception, excuse, proviso, or exemption, contained in this act, and the burden of proof of any such exception, excuse, proviso, or exemption, shall be upon the defendant. For the purpose of enforcement of this act, anyone so empowered to enforce as provided for in the following section, may enter and search any room, rooms, or other place wherein the provisions of this act are believed to be violated. Anyone who hinders, obstructs or interferes with the enforcement of this act, shall be guilty of a misdemeanor and on conviction, shall be fined as provided for in this act. Anyone empowered to enforce the provisions of this act, may arrest without warrant, any person found to be violating the laws relating to traffic in narcotics, and take such person before any officer having jurisdiction in such proceedings, and take such other action as the law provides. (116 v. 502.)

#### Sec. 12672-18.

It is hereby made the duty of the state board of pharmacy, its officers, agents, inspectors and representatives, and of all officers within the state, and of all prosecut-

ing attorneys, to enforce all provisions of this act, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states, relating to narcotic drugs. (116 v. 502.)

Sec. 12672-19.

Any person violating any provision of this act shall upon conviction be punished for the first offense, by a fine not exceeding five hundred dollars, or by imprisonment for not exceeding five years, or by both such fine and imprisonment, and for any subsequent offense, by a fine not exceeding one thousand dollars, or by imprisonment for not exceeding five years, or by both such fine and imprisonment. All fines or forfeited bonds assessed and collected under prosecutions or prosecutions commenced, shall within thirty days, be paid to the secretary of the state board of pharmacy and by him paid into the state treasury. (116 v. 502.)

Sec. 12672-20.

No person shall be prosecuted for a viola-

tion of any provisions of this act if such person has been acquitted or convicted under the federal narcotic laws of the same act or omission which, it is alleged, constitutes a violation of this act. (116 v. 502.)

**Sec. 12672-21.**

If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable. (116 v. 503.)

**Sec. 12672-22.**

This act shall be so interpreted and construed as to effectuate its general purpose, to make uniform the laws of those states which enact it. (116 v. 503.)

**Sec. 12672-23.**

This act may be cited as the uniform narcotic drug act. (116 v. 503.)

## **GENERAL DRUG ADULTERATION AND MISBRANDING LAWS**

**(Enforced by Division of Foods and Dairies,  
Department of Agriculture)**

SECTION 1177-12. The secretary of agriculture shall establish standards of quality, purity and strength for foods, when such standards are not otherwise established by any law of this state. Such standards shall conform to the standards for foods adopted by the United States department of agriculture. The secretary of agriculture shall make such uniform rules and regulations as may be necessary for the enforcement of the food, drug, dairy and sanitary laws of the state. Such rules and regulations shall, where applicable, conform to and be the same as the rules and regulations adopted from time to time for the enforcement of the act of congress, approved June 30, 1906, and amended March 3, 1913, and known as "the food and drug act." The secretary of agriculture shall inspect drugs, butter, cheese, lard, syrup and other articles of food or drink, made or offered for sale in the state and prosecute or cause to be prose-

cuted each person, firm or corporation engaged in the manufacture or sale of an adulterated drug or article of food or drink, in violation of law, and shall enforce all laws against fraud, adulteration or impurities in foods, drinks, or drugs, and unlawful labeling within the state. (107 v. 477.)

SECTION 1177-13. The secretary of agriculture in the performance of his duties may enter a creamery, factory, store salesroom, drug store, laboratory or other place where he believes or has reason to believe drugs, food, drink, or linseed oil, is made, prepared, dispensed, sold or offered for sale, examine the books therein, and open a cask, tub, jar, bottle or other package containing or supposed to contain a drug or an article of food or drink and examine or cause to be examined and analyzed the contents thereof. (107 v. 478.)

SECTION 1177-14. All fines, fees and costs collected under prosecutions begun, or caused to be begun, by the secretary of agriculture, shall be paid by the court to the secretary of agriculture within thirty days

after collection, unless error proceedings have been properly begun and prosecuted and in case the judgment of the justice of the peace is sustained the fine shall be paid within thirty days after such judgment of affirmance, and by the secretary paid into the state treasury to the credit of the general revenue fund. 107 v. 478.)

SECTION 5774. No person, within this state, shall manufacture for sale, offer for sale, sell or deliver, or have in his possession with intent to sell or deliver, a drug or article of food which is adulterated within the meaning of this chapter, or offer for sale, sell or deliver, or have in his possession with intent to sell or deliver, a drug or article of food which is misbranded within the meaning of this chapter. (99 v. 257.)

SECTION 5775. The term "drug," as used in this chapter, includes all medicines for internal or external use or inhalation, anti-septics, disinfectants and cosmetics. \* \* \* (98 v. 263.)

SECTION 5776. A person manufacturing, offering or exposing for sale, or delivering

to a purchaser, a drug or article of food included in the provisions of this chapter, shall furnish to a person interested or demanding it, applying to him therefor and tendering him its value, a sample thereof sufficient for the analysis of such drug or article of food.  
(81 v. 67.)

SECTION 5777. A drug is adulterated within the meaning of this chapter (1) if, when sold under or by a name recognized in the eleventh decennial revision of the United States Pharmacopœia, or in the ~~sixth~~  
7<sup>✓</sup> edition of the National Formulary, it differs from the standard of strength, quality or purity laid down therein; (2) if, when sold under or by a name not recognized in the  
1<sup>✓</sup> ~~eleventh~~ decennial revision of the United States Pharmacopœia, or the ~~sixth~~<sup>7</sup> edition of the National Formulary, but which is found in some other pharmacopœia, or other standard work on *materia medica*, it differs materially from the standard strength, quality or purity laid down in such work; (3) if its strength, quality or purity falls below the professed standard under which it is sold; (4) if it is an imitation of, or offered for

sale under the name of another article; (5) if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package; (6) if it contains any methyl or wood-alcohol. (117 v. 156.)

SECTION 5778. Food, drink, confectionery or condiments are adulterated within the meaning of this chapter (1) if any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly, or in part, for it; (3) if any valuable or necessary constituent or ingredient has been wholly, or in part, abstracted from it; (4) if it is an imitation of, or is sold under the name of another article; (5) if it consists wholly, or in part, of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not or in the case of milk, if it is the product of a diseased animal; (6) if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed,

or if by any means it is made to appear better or of greater value than it really is; (7) if it contains any added substance or ingredient which is poisonous or injurious to health; (8) if, when sold under or by a name recognized in the ~~eleventh~~ decennial revision of the United States Pharmacopœia, or the ~~sixth~~ edition of the National Formulary, it differs from the standard of strength, quality or purity laid down therein; (9) if, when sold ~~under~~ or by a name not recognized in the ~~eleventh~~ decennial revision of the United States Pharmacopœia, or the ~~sixth~~ edition of the National Formulary, but if found in some other pharmacopœia, or other standard work on *materia medica*, it differs materially from the standard of strength, quality or purity, laid down in such work; (10) if the strength, quality or purity falls below the professed standard under which it is sold; (11) if it contains any methyl or wood alcohol. (117 v. 157.)

SECTION 5779. A flavoring extract is adulterated within the meaning of this chapter (1) if any substance or substances have been mixed with it, so as to lower or de-

preciate or injuriously affect its quality, strength or purity; (2) if any inferior or cheaper substance or substances have been substituted wholly, or in part, for it; (3) if any valuable or necessary constituent or ingredient has been wholly, or in part, abstracted from it; (4) if it is an imitation of, or is sold under the name of another article; (5) if it is colored whereby damage or inferiority is concealed, or if it by any means is made to appear better or of greater value than it really is; (6) if it contains any added substance or ingredient which is poisonous or injurious to health; (7) if the strength, quality or purity falls below the professed standard under which it is sold; (8) if it contains any methyl or wood alcohol. (100 v. 105, § 3.)

SECTION 5780. A flavoring extract is also adulterated within the meaning of this chapter, if, when sold under or by any one of the following names it differs from the standard hereby fixed therefor; (1) Almond extract shall be the flavoring extract prepared from oil of bitter almonds, free from hydrocyanic acid, and shall contain not less

than one per cent by volume of oil of bitter almonds; (2) anise extract shall be the flavoring extract prepared from oil of anise, and shall contain not less than three per cent by volume of oil of anise; (3) celery seed extract shall be the flavoring extract prepared from celery seed or the oil of celery seed, or both, and shall contain not less than three-tenths per cent by volume of oil of celery seed; (4) cassia extract shall be the flavoring extract prepared from oil of cassia, and shall contain not less than two per cent by volume of oil of cassia; (5) cinnamon extract shall be the flavoring extract prepared from oil of cinnamon and shall contain not less than two per cent by volume of oil of cinnamon; (6) clove extract shall be the flavoring extract prepared from oil of cloves, and shall contain not less than two per cent by volume of oil of cloves; (7) ginger extract shall be the flavoring extract prepared from ginger, and shall contain in each one hundred cubic centimeters the alcohol-soluble matters from not less than twenty grams of ginger; (8) lemon extract shall be the flavoring extract prepared from oil of lemon, or from lemon peel or both, and shall contain

not less than five per cent by volume of oil of lemon; (9) terpeneless extract of lemon shall be the flavoring extract prepared by shaking oil of lemon with dilute alcohol, or by dissolving terpeneless oil of lemon in dilute alcohol, and shall contain not less than two-tenths per cent by weight of citral derived from oil of lemon; (10) nutmeg extract shall be the flavoring extract prepared from oil of nutmeg, and shall contain not less than two per cent by volume of oil of nutmeg; (11) orange extract shall be the flavoring extract prepared from oil of orange, or from orange peel, or both, and shall contain not less than five per cent by volume of oil or orange; (12) terpeneless extract of orange shall be the flavoring extract prepared by shaking oil of orange with dilute alcohol, or by dissolving terpeneless oil of orange in dilute alcohol and shall correspond in flavoring strength to orange extract; (13) peppermint extract shall be the flavoring extract prepared from oil of peppermint or from peppermint, or both, and shall contain not less than three per cent by volume of oil of peppermint; (14) rose extract shall be the flavoring extract prepared from otto of roses,

with or without rose petals, and shall contain not less than four-tenths per cent by volume of otto of roses; (15) savory extract shall be the flavoring extract prepared from oil of savory, or from savory, or both, and shall contain not less than thirty-five hundredths per cent by volume of oil of savory; (16) spearmint extract shall be the flavoring extract prepared from oil of spearmint, or from spearmint, or both, and shall contain not less than three per cent by volume of oil of spearmint; (17) star anise extract shall be the flavoring extract prepared from oil of star anise, and shall contain not less than three per cent by volume of oil of star anise; (18) sweet basil extract shall be the flavoring extract prepared from oil of sweet basil, or from sweet basil, or both, and shall contain not less than one-tenth per cent by volume of oil of sweet basil; (19) sweet marjoram extract or marjoram extract, shall be the flavoring extract prepared from the oil of marjoram, or from marjoram, or both, and shall contain not less than one per cent by volume of oil of marjoram; (20) thyme extract shall be the flavoring extract prepared from oil of thyme, or from thyme, or

both, and shall contain not less than two-tenths per cent by volume of oil of thyme; (21) tonka extract shall be the flavoring extract prepared from tonka bean, with or without sugar or glycerine, and shall contain not less than one-tenth per cent by weight of coumarin extract from the tonka bean, together with a corresponding proportion of the other soluble matters thereof; (22) vanilla extract shall be the flavoring extract prepared from vanilla bean, with or without sugar or glycerine, and shall contain in one hundred cubic centimeters the soluble matters from not less than ten grams of the vanilla bean; (23) wintergreen extract shall be the flavoring extract prepared from oil of wintergreen, and shall contain not less than three per cent by volume of oil of wintergreen. All of said flavoring extracts shall be a solution in ethyl alcohol of proper strength of the sapid and odorous principles derived from an aromatic plant, or parts of the plant, and shall conform in name to the plant used in its preparation. (100 v. 105, § 3.)

SECTION 5784. A drug shall be mis-

branded within the meaning of this chapter : (1) if the package fails to bear a statement on the label of the quantity or proportion of grain or ethyl alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis, chloral hydrate, acetanilid or any derivative or preparation of such substances contained therein, provided, that the provisions of this section shall not apply to the prescriptions of regular licensed physicians, dentists and doctors of veterinary medicine, nor to such drugs and preparations as are officially recognized in the ~~Eleventh~~ decennial revision of the United States Pharmacopœia, or the ~~sixth~~ edition of the National Formulary, and which are sold under the name by which they are so recognized ; (2) if the package containing it or any label thereon bears a statement, design or device regarding it or the ingredients or substances contained therein, which is false or misleading in any particular ; (3) if the package containing it or any label thereon bears or contains any statement, design or device regarding the curative or the therapeutic effect of such article or any of the ingredients or

substances contained therein, which is false and fraudulent. (117 v. 157.)

SECTION 12757. Whoever refuses to allow the secretary of agriculture, his inspectors or agents, to enter a creamery, factory, store, salesroom, drug store, laboratory, booth, vehicle, steam or electric car or place which he or such inspector or agent desires to enter in the discharge of his official duty, or interferes with such secretary or his inspector or agent in such discharge, or refuses to deliver to him or his inspector or agent a sample of food, drug or linseed oil made, sold, offered for sale by such person, upon request therefor and tender of the value thereof, shall be fined not less than fifty dollars nor more than two hundred dollars, and, for each subsequent offense, shall be fined not less than one hundred dollars nor more than three hundred dollars or imprisoned in jail not less than thirty days nor more than one hundred days, or both. (107 v. 494.)

SECTION 12758. Whoever manufactures for sale, offers for sale or sells a drug, article

of food, or flavoring extract which is adulterated or misbranded as the terms "drugs," "food," "flavoring extract," "adulterated" and "misbranded" are defined and described by law, or manufactures, offers or exposes for sale or delivers a drug or article of food and fails, upon demand and tender of its value, to furnish a sample thereof for analysis, shall be fined not less than twenty-five dollars nor more than one hundred dollars, and for each subsequent offense, shall be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned in the county jail not less than thirty days nor more than one hundred days, or both.  
(99 v. 259.)

SECTION 12759. A person found guilty of manufacturing, offering for sale or selling an adulterated article of food or drug, as described in the next preceding section, shall pay all necessary costs and expenses incurred in inspecting and analyzing such adulterated article. (99 v. 259.)

# **DEFINING FRAUDULENT ADVERTISING**

**(Police Regulation)**

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SECTION 13193-2. Whoever, with intent to sell, or in any wise dispose of merchandise, securities, service, or anything offered by him, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in this state, in a newspaper or other publication, or in the form of a book, notice, hand bill, poster, bill, circular, pamphlet or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, or decep-

tive, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars or by imprisonment in the county jail not exceeding twenty days or by both said fine and imprisonment.  
(103 v. 43.)

# **CAUSTIC OR CORROSIVE ACID LAW**

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**(To Safeguard the Distribution and Use of  
Caustic or Corrosive Acids, Alkalies  
and Other Substances)**

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## **Sec. 12674.**

It shall be unlawful to sell, barter, or exchange or receive, hold, pack, display, or offer for sale, or exchange, within the state of Ohio, any substance defined as a "dangerous caustic or corrosive substance" by the act of congress entitled "An act to safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalies, and other substances in interstate and foreign commerce," approved March 4, 1927, chapter 489 of part 2 of volume 44, of the United States statutes at large, in any misbranded parcel, package, or container as defined by said act, subject, however, to sections 12666, 12667, 12705 and 12707 of the General Code.  
(114 v. 143.)

## **Sec. 12674-1.**

Provided; however, that notwithstanding anything contained in said act of congress, this act shall not be construed as applying

to any substance, subject to said act, sold at wholesale or retail for use by a retail druggist in filling prescriptions or in dispensing, in pursuance of a prescription by a physician, dentist, or veterinarian; or for use by or under the direction of a physician, dentist, or veterinarian; or for use by a chemist in the practice of teaching of his profession; or for any industrial or professional use, or for use in any of the arts and sciences. (114 v. 143.)

**Sec. 12674-2.**

Provided, however, that products for household cleaning and washing purposes, including caustic soda, lye, ammonia water or preparations containing these, subject to this act and labeled in accordance therewith, may be sold, offered for sale, held for sale and distributed in this state by any dealer, wholesale or retail. (114 v. 143.)

**Sec. 12674-3.**

Any person violating the provisions of this act shall, upon conviction thereof be punished by a fine of not more than \$200.00, or by imprisonment for not more than 90 days, or by both, in the discretion of the court. (114 v. 143.)

## **JURISDICTION**

### **Sec. 13422-1.**

For the purposes of this title, the word "magistrate" shall be held to include justices of the peace, police judges or justices, mayors of municipal corporations and judges of other courts inferior to the court of common pleas.

For the purposes of this title, the word "judge" shall not be held to include the probate judge, the word "court" shall not be held to include the probate court, and the word "clerk" shall not be held to include the clerk of the probate court. (114 v. 479.)

### **Sec. 13422-2.**

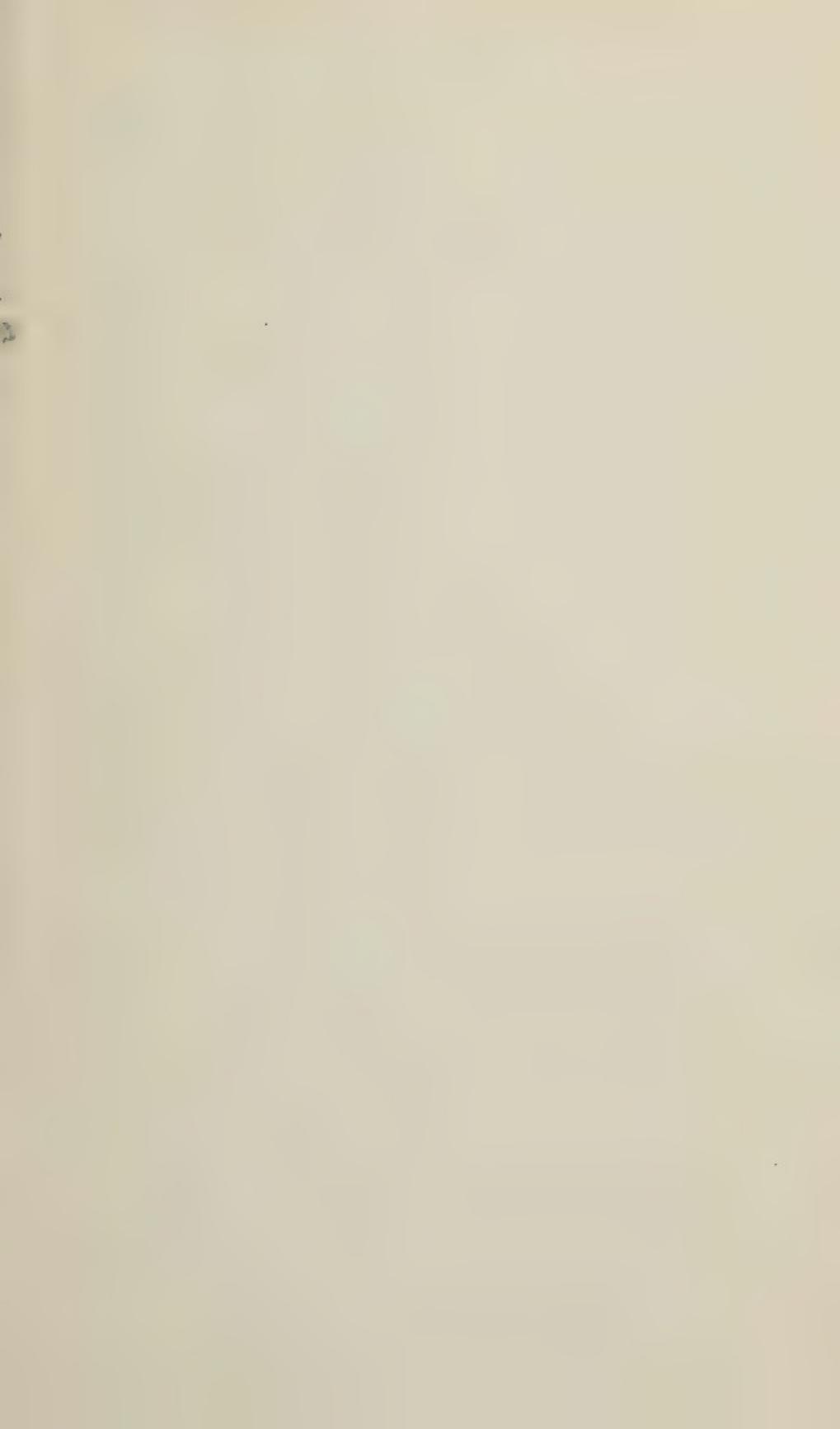
A justice of the peace shall be a conservator of the peace and have jurisdiction in criminal cases throughout the county in which he is elected and where he resides, on view or on sworn complaint, to cause a person, charged with the commission of a felony or misdemeanor, to be arrested and brought before himself or another justice of the

peace, and, if such person is brought before him, to inquire into the complaint and either discharge or recognize him to be and appear before the proper court at the time named in such recognizance or otherwise dispose of the complaint as provided by law. He also may hear complaints of the peace and issue search warrant. (113 v. 123.)

#### Sec. 13422-3.

Magistrates shall have jurisdiction within their respective counties, in all cases of violation of any law relating to:

\* \* \* The conducting of a pharmacy, or retail drug or chemical store, or the dispensing or selling of drugs, chemicals, poisons or pharmaceutical preparations therein. (115 v. Pt. II 163.)

















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